

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF OKLAHOMA

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4 XOUCHI JONATHAN THAO, Special)
Administrator For The Estate)
5 of KONGCHI JUSTIN THAO,)
)
6 Plaintiff,)
) No.
7 vs.) CIV-19-1175-JD
)
8 GRADY COUNTY CRIMINAL JUSTICE)
AUTHORITY, et al.,)
9)
Defendants.)

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14 VIDEOTAPED DEPOSITION OF JAMES GERLACH
15 TAKEN ON BEHALF OF THE PLAINTIFF
16 IN OKLAHOMA CITY, OKLAHOMA
17 ON JUNE 29, 2023

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19 REPORTED BY: KAREN B. JOHNSON, CSR

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1 Q And you hold a title of jail
2 administrator?

3 A That -- that's one of -- my actual title
4 is warden/executive director.

5 Q Have you held those titles since you
6 started at the jail authority?

7 A Yes, since 2014.

8 Q Have your responsibilities changed in any
9 significant way since you started at the jail
10 authority in 2014?

11 A No.

12 Q Were you employed prior to when you
13 started at the jail authority in 2014?

14 A Yes.

15 Q How were you employed?

16 A I was the jail administrator in Montrose,
17 Colorado.

18 Q How long did you hold that position?

19 A A little over six years.

20 Q And you were jail administrator for your
21 entire time at that facility?

22 A Yes.

23 Q What was the name of that facility?

24 A The Montrose County Sheriff's Office.

25 Q And so was that from 2008 to 2014?

1 A Yes.

2 Q And what did you do before that?

3 A I was a jail administrator and
4 undersheriff for Washington County, Colorado
5 Sheriff's Office.

6 Q How long did you have that position?

7 A Approximately three years, from 2005 to
8 2008.

9 Q And how about before that?

10 A Before that -- well, there's a little
11 break in between, I basically retired from
12 California in 2002, so I pretty much lived in Utah
13 and did odd jobs here and there in Utah, so -- and
14 then waited to get into corrections again.

15 Q What type of work did you retire from in
16 California in 2002?

17 A I worked for the Santa Clara County
18 Department of Corrections in Santa Clara,
19 California.

20 Q How long did you work at the Santa Clara
21 County Department of Corrections?

22 A 2000, wait, sorry, 1988 to 2002.

23 Q So I want to ask you about some of the
24 discovery that we served in this case, and one of
25 the things I want to ask you about is when Justin

1 Thao was detained in Cell 126, are you aware of
2 any jail staff that did not follow the jail's
3 policies or practices?

4 MR. MOON: Object to the form.

5 THE WITNESS: Obviously, the only -- the
6 only policy that I can see that was even in
7 question was the -- was the hourly checks as -- as
8 defined, they -- they -- they did not get there
9 quite in the hour, but the other procedures, I
10 cannot see anything that was violated.

11 Q (By Mr. Katon) When you refer to the
12 hourly checks as defined, were you referring to a
13 particular jail policy?

14 A More -- more of a policy with the -- with
15 the state standard saying that -- that the cell
16 should be checked once every hour.

17 Q And apart from that, there are no other
18 jail policies or practices that were violated in
19 connection with Mr. Thao's detention in Cell 126
20 that you're aware of?

21 MR. MOON: Object to the form.

22 THE WITNESS: I believe that policies are
23 different than behaviors, I think there were some
24 behaviors that could be corrected, but not
25 policies.

1 MR. KATON: It is DDR 6. One -- one part
2 of is 1 through 52, the other part is 53 through
3 176.

4 MS. DARK: Could we take a quick break,
5 Glenn, while he reads through it so I can go to
6 the rest room.

7 MR. KATON: Yeah, I'm happy to do that.
8 Why don't we take -- can we take ten?

9 MR. MOON: Sure.

10 THE VIDEOGRAPHER: Off the record, the
11 time is 10:57.

12 (Break taken from 10:57 to 11:15)

13 THE VIDEOGRAPHER: We're back on the
14 record, the time is 11:15.

15 Q (By Mr. Katon) Mr. Gerlach, did you have a
16 chance to look at the jail's policies in relation
17 to my question about how the jail's policies in
18 November of 2017 satisfied the contractual
19 obligations on Page 8 of the marshal service
20 contract that we were discussing on special
21 management inmates and suicide prevention?

22 A Yes, I have reviewed as quickly, as fast
23 as I possibly can, but I have reviewed it.

24 Q And can you point me to the policies of
25 the jail that satisfied the contractual terms on

1 special management inmates?

2 A There is nothing in my policy that says
3 "special management" at all, so I cannot refer you
4 to any of those, but I do have a increased
5 supervision policy on suicide risks.

6 Q I'm sorry, you said increased suicide
7 policy on?

8 A Suicide risk is -- it's -- you want me to
9 tell you where it's at?

10 Q Yes, please.

11 A It's on DDR 6, 068, basically Chapter 4
12 and it would be 3 EH, so it would be on the bottom
13 of DDR Number 6, 068.

14 Q That's Section H that says "Suicide
15 Risks"?

16 A Yes.

17 Q Is there any other policy besides that
18 Paragraph H on DDR 6, 068 that you believe
19 satisfies those two paragraphs of Page 8 of the
20 marshal service contract?

21 A I think -- I think the other ones don't --
22 don't qualify as best as those. I just don't have
23 anything that says "special management."

24 Q So, yeah, my question, I -- I -- I am very
25 aware that the policies of the jail don't use the

1 exact term "special management inmates," but
2 it's -- it's possible that -- that you could
3 satisfy the -- the contractual obligations without
4 using those exact words, so I just wanted to get
5 your understanding of whatever policies may have
6 existed to satisfy those two paragraphs of the
7 marshal service contract, regardless of the use of
8 that specific term. Is there anything --

9 MR. MOON: Object.

10 THE WITNESS: Sorry, go ahead.

11 Q (By Mr. Katon) Is there anything besides
12 that Paragraph H on 68?

13 MR. MOON: Object to the form.

14 THE WITNESS: No, I would stick with that
15 policy.

16 Q (By Mr. Katon) And I thought I understood
17 you to say earlier that your understanding of what
18 special management inmate means in the marshal
19 service contract is an inmate who poses a suicide
20 risk, did I understand that correctly?

21 A That is one of them, yes.

22 Q What else is there besides that?

23 A Person that may be demonstrating homicidal
24 tendencies, somebody that is, for example, you may
25 have somebody that has a medical condition, maybe